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| ART UNIT | PAPER NUMBER |
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| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

| | Application No. | Applicant(s) |
|---|---|---|
| | 10/777,660 | REIDELSTURZ ET AL. |
| **Office Action Summary** | Examiner | Art Unit | |
| | Diego Herrera | 2617 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *13 February 2004*.

2a)☒ This action is **FINAL**.     2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-55* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

*Objection to specification is withdrawn in light of amendment.*

*Objection to claim 3 is withdrawn due to correction.*

*Rejection to claims 50-51 is withdrawn in view of clarification.*

### *Response to Arguments*

Applicant's arguments filed 9/8/2006 have been fully considered but they are not persuasive.

In response to the applicants argument claims 1-55, the applicants features in the claims wherein a method of employing receipt of communication from network and broadcast access to data information with security clearance of authentication, reads on Fishman et al.

Fishman et al. discloses the ability to download from server to different types of devices with right type of data code and secure method to encrypt information to user's device to retrieve. Fishman et al. discloses the ability for clients to access information and customization for accessing content source information based on characteristics of each mobile client, hence, client's profile and service is taken into account to provide specific and customized services for that client, therefore, independent claims read on Fishman et al.

In response to dependent claims, the features are shown via the primary

and secondary references cited in the action, they show motivations and can be

used because they are in the same field and teaching nearly identical systems.

Therefore the argued features are written broad such that they read upon

the cited references or are claiming the same limitations as the cited refereces.

## *Claim Rejections - 35 USC § 102*

1.    The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.    Claims 1-6, 10, 15-16, 19, 20, 22-26, 28-29, 31, 35-36, 38, 41, 44-46, 48-

49, & 50-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Fishman

et al. (US patent publication 20020103935 A1).

3.    Regarding claim 1, Fishman et al. discloses a cellular receiver device for

receiving data from a data source (title, abstract, fig. 2 objects: 274, 276, 278,

250), said cellular receiver device comprising:

a.    Cellular receiving means for enabling receipt of said data from a

cellular network domain (fig. 5a & 5b, paragraphs: [0011]-[0016] & [0050]-

[0051], where Fishman discusses cellular receiving means showing

receipt capabilities); and

b.     Radio broadcast access means for providing conditional access

(paragraph [0051], Fishman discusses mobile subscription on a list with

specific information to be received by a specific mobile device, hence,

providing conditional access) to a digital radio broadcast data channel to

enable receipt of said data via said digital radio broadcast data channel

(fig. 2, paragraphs [0011]-[0015], [0024], & [0035]-[0037], Fishman

discusses accessing means via radio broadcast transmissions to and by

different types of user equipment).

4.     Regarding claim 20, Fishman et al. discloses a server device for providing

a data service to a mobile device, said server device (fig. 2 element 210,

paragraphs [0034], Fishman discusses a server providing information through a

gateway to a mobile device) comprising:

a.     Gateway means for adding said mobile subscriber identity to said

received data (fig. 2 elements 250, 274, 276, 278; paragraphs [0035]-

[0041], Fishman discusses gateway means and function for adding mobile

subscribers ID to corresponding data and transform), and for putting said

received data with said mobile subscriber identity to a data stream to be

broadcast via digital radio broadcast channel (fig. 2 element 250, 274,

276, 278; paragraphs [0035]-[0041] & [0050]-[0051], Fishman teaches

customization tables for clients and their corresponding information

request to be transmitted).

5.     Regarding claim 41, Fishman et al. discloses a gateway device for

providing a connection between a cellular network and a digital radio broadcast

domain (fig. 2, paragraph [0024]), said gateway device being configured to

encrypt data received from said cellular network to be forwarded to a mobile

device (fig. 2 elements 250, 274, 276, 278, fig. 5a & fig 5b, paragraphs [0024],

[0035]-[0041] & [0050]-[0051], Fishman discloses information sent from content

server encrypted data sent to mobile device via gateway), and to forward said

encrypted data to said digital radio broadcast domain based on a conditional

access scheme (fig. 2 elements 250, 274, 276, 278, paragraphs [0024], [0035]-

[0041] & [0050]-[0051], Fishman discloses from gateway encryption of data is

sent to mobile device).

6.      Regarding claim 45, Fishman et al. discloses a system for providing data

services to mobile devices via a radio broadcast channel, said system

comprising:'

    a.      A cellular receiver device for receiving data from a data source,

said cellular receiving device comprising cellular receiving means for

enabling receipt of said data from a cellular network domain (fig. 5a & 5b,

paragraphs: [0011]-[0016] & [0050]-[0051], where Fishman discusses

cellular receiving means showing receipt capabilities), and radio broadcast

access means for providing conditional access to a digital radio broadcast

data channel to enable receipt of said data via said digital radio broadcast

data channel (paragraph [0051], Fishman discusses mobile subscription

on a list with specific information to be received by a specific mobile

device, hence, providing conditional access);

b.      A server device for providing a data service to a mobile device, said

server device comprising gateway means for receiving data from an

external data source (fig. 2 elements 250, 274, 276, 278; paragraphs

[0035]-[0041], Fishman discusses gateway means and function for adding

mobile subscribers ID to corresponding data and transform) and for

mapping a destination address of received data to a mobile subscriber

identity (paragraph [0034]), and adding means for adding said mobile

subscriber identity to said received data (gateway), and for putting said

received data with said mobile subscriber identity to a data stream to be

broadcast via a digital radio broadcast channel (fig. 2 elements 250, 274,

276, 278, paragraphs [0024], [0035]-[0041] & [0050]-[0051], Fishman

discloses from gateway encryption of data is sent to mobile device); and

c.      A gateway device for providing a connection between a cellular

network and a digital radio broadcast domain (fig. 2), said gateway device

being configured to encrypt data received from said cellular network to be

forwarded to a mobile device (fig. 2 elements 250, 274, 276, 278;

paragraphs [0035]-[0041], Fishman discusses gateway means and

function for adding mobile subscribers ID to corresponding data and

transform), and to forward said encrypted data to said digital radio

broadcast domain based on a conditional access scheme (fig. 2 elements

250, 274, 276, 278, paragraphs [0024], [0035]-[0041] & [0050]-[0051],

Fishman discloses from gateway encryption of data is sent to mobile

device).

7.      Regarding claim 46, Fishman et al. discloses a method of transmitting

data to a mobile device, said method comprising the steps of:

        a.      Encrypting data to be forwarded (fig. 5a and fig. 5b, paragraphs

[0033] & [0050]-[0051]); and

        b.      Forwarding said data to a digital radio broadcast domain based on

a conditional access scheme (paragraph [0015]-[0016], Fishman

discusses different variety of mobile dives having access to content

through mobile gateway when content is address to multiple mobile

clients).

8.      Regarding claim 48, Fishman et al. discloses a method of receiving data

at a mobile device (paragraph [0013]), said method comprising the step of:

        a.      Providing a conditional access to a digital radio broadcast data

channel to enable receipt of said data via said digital radio broadcast data

channel (paragraph [0051], Fishman discusses mobile subscription on a

list with specific information to be received by a specific mobile device,

hence, providing conditional access); and

        b.      Receiving said data (fig. 5a & 5b, paragraphs [0050] & [0051],

Fishman discloses protocol to make sure data is received).

9.      Regarding claim 50, Fishman et al. discloses a computer program

embodied on a computer readable medium, said computer program controlling

one of a server device and a gateway device to perform the steps of:

        a.      Encrypting data to be forwarded (fig. 5a and fig. 5b, paragraphs

[0033] & [0050]-[0051]); and

     b.     Forwarding said data to a digital radio broadcast domain based

upon a conditional access scheme (paragraph [0015]-[0016], Fishman

discusses different variety of mobile dives having access to content

through mobile gateway when content is address to multiple mobile

clients).

10.     Regarding claim 51, Fishman et al. discloses a computer program

embodied on a computer readable medium, said computer program controlling a

mobile device to transmit data by performing the steps of:

     a.     Providing a conditional access to a digital radio broadcast data

channel to enable receipt of said data via said digital radio broadcast data

channel (paragraph [0051], Fishman discusses mobile subscription on a

list with specific information to be received by a specific mobile device,

hence, providing conditional access); and

     b.     Receiving said data (fig. 5a & 5b, paragraphs [0050] & [0051],

Fishman discloses protocol to make sure data is received).

11.     Consider claim 2, and as applied to claim 1 above, Fishman et al.

discloses wherein said radio broadcast access means comprises at least one of

a ciphering function and an access function for realizing said conditional access

(paragraph: [0046]-[0049], [0051]; Fishman teaches the encryption of information

hence ciphering function, furthermore, having access function set up to allow

device to access gateway).

12.     Consider claim 3, and as applied to claim 2 above, Fishman et al.

discloses wherein said at least one of said ciphering and said access function is

based on security parameters (paragraph [0046], Fishman teaches this encryption is done to ensure secure communication hence security parameters).

13.     Consider claim 4, and as applied to claim 1 above, Fishman et al. discloses wherein said radio broadcast access means are configured to receive message objects belonging to a predetermined application identification which indicates said data (paragraphs [0048]-[0052]; Fishman teaches that system is recognizes device and send relevant information via transforms).

14.     Consider claim 5, and as applied to claim 4 above, Fishman et al. discloses wherein said radio broadcast access means are configured to extract an unencrypted mobile subscriber identity from a received message object and to compare it with a mobile subscriber identity of said radio broadcast access means (paragraph [0040]-[0041]; Fishman teaches subscribers check of ID against list before accessing information from server; paragraph [0051]-[0052]).

15.     Consider claim 6, and as applied to claim 5 above, wherein said radio broadcast access means are configured to extract and decrypt said received message object in response to a comparison result (paragraph [0035]-[0041]).

16.     Consider claim 10, and as applied to claim 4 above, Fishman et al. discloses wherein said message object is one of a short message service message and a multimedia message service message (paragraph [0049], Fishman teaches use of SMS and MMS depending on device's request).

17.     Consider claim 15, and as applied to claim 12 above, Fishman et al. discloses further comprising register means for storing said obtained security parameters (fig. 3, paragraph [0016], [0040]-[0041]; Fishman teaches storage

space available also information for device's security parameters as contained in
the list mentioned).

18.    Consider claim 16, and as applied to claim 12 above, Fishman et al.
discloses wherein said client means are configured to use initial security
parameters for authentication during a connection setup (paragraph [0040]-
[0041]; Fishman teaches subscribers check of ID against list before accessing
information from server).

19.    Consider claim 19, and as applied to claim 1 above, Fishman et al.
discloses wherein said radio broadcast access means comprise service client
means for enabling access to at least one of IP service and email services via
said radio broadcast data channel (fig. 2; paragraph [0014]-[0016], [0033]-
[0035]).

20.    Consider claim 22, and as applied to claim 20 above, Fishman et al.
discloses wherein said gateway means is configured to encrypt said received
data using security parameters (paragraph [0040]-[0041]; Fishman teaches
subscribers check of ID against list before accessing information from server).

21.    Consider claim 24, and as applied to claim 23 above, Fishman et al.
discloses wherein said server device is configured to assign a public user
address in response to said registration request (paragraph [0040]-[0041];
Fishman teaches subscribers check of ID against list before accessing
information from server).

22.     Consider claim 25, and as applied to claim 24 above, Fishman et al.
discloses wherein said public user address comprises one of an IP address and
an email address (paragraph [0035]-[0038]).

23.     Consider claim 26, and as applied to claim 24 above, further comprising
storing means for storing a table linking an assigned public user address to said
assigned mobile subscriber identity (paragraph [0040]-[0041]; Fishman teaches
subscribers check of ID against list before accessing information from server).

24.     Consider claim 28, and as applied to claim 20 above, Fishman et al.
discloses wherein said received data comprise an email content, wherein said
adding means is configured to encapsulate said received email content into a
radio broadcast packet, and wherein a message identity is added to a header of
said radio broadcast packet (paragraphs [0035]-[0038]).

25.     Consider claim 29, and as applied to claim 20 above, Fishman et al.
discloses wherein said received data comprise an IP packet, wherein said adding
means is configured to encapsulate said received IP packet into a radio
broadcast packet, and wherein a message identity is added to a header of said
radio broadcast packet (paragraphs [0035]-[0038]).

26.     Consider claim 31, and as applied to claim 20 above, Fishman et al.
discloses wherein said gateway means are configured to reject said received
data, if a predetermined maximum data size is exceeded (paragraph [0039]).

27.     Consider claim 35, and as applied to claim 33 above, Fishman et al.
discloses wherein said security parameters comprise at least one of a mobile
subscriber identity and a ciphering key (paragraph [0040]-[0041]; Fishman

teaches subscribers check of ID against list before accessing information from server).

28.    Consider claim 36, and as applied to claim 33 above, Fishman et al. discloses further comprising a security database for storing security parameters (fig. 3, paragraph [0016], [0040]-[0041]; Fishman teaches storage space available also information for device's security parameters as contained in the list mentioned).

29.    Consider claim 38, and as applied to claim 37 above, Fishman et al. discloses wherein authentication for connection setup to said security server means is based on said initial security parameters (paragraph [0037]-[0039], [0046]-[0048]).

30.    Consider claim 44, and as applied to claim 43 above, Fishman et al. discloses wherein said gateway device is configured to detect, based on a subscriber database query, whether said mobile device is in the coverage area (paragraph [0040]-[0041]; Fishman teaches subscribers check of ID against list before accessing information from server).

31.    Consider claim 49, and as applied to claim 48 above, Fishman et al. discloses wherein said conditional access is provided by at least one of a ciphering function and as access function (paragraph [0040]-[0041]; Fishman teaches subscribers check of ID against list before accessing information from server).

32.    Regarding claim 50. A computer program embodied on a computer readable medium said computer program, encrypting data to be forwarded; and

forwarding said data to a digital radio broadcast domain based upon a conditional

access scheme to control one of a server device and a gateway device.

33.    Regarding claim 51. A computer program embodied on a computer

readable medium, said computer program, comprising: providing a conditional

access to a digital radio broadcast data channel to enable receipt of said data at

a mobile device via said digital radio broadcast data channel; and receiving said

data.

34.    Regarding claim 52. (New) A cellular receiver device, comprising:

cellular receiving means for enabling receipt of data from a cellular network

domain; and radio broadcast access means for providing conditional access to a

digital radio broadcast data channel to enable receipt of said data via said digital

radio broadcast data channel.

35.    Regarding claim 53. (New) A server device, comprising: gateway means

for receiving data from an external data source and for mapping a destination

address of received data to a mobile subscriber identity; and adding means for

adding said mobile subscriber identity to said received data, and for putting said

received data with said mobile subscriber identity to a data stream to be

broadcast via a digital radio broadcast channel to provide data service to a

mobile device.

36.    Regarding claim 54. (New) A gateway device for providing a connection

between a cellular network and a digital radio broadcast domain, for encrypting

data received from said cellular network to be forwarded to a mobile device, and

for forwarding said encrypted data to said digital radio broadcast domain based on a conditional access scheme.

37.     Regarding claim 55. (New) A system, comprising: cellular receiver means for receiving data from a data source, said cellular receiving means comprising cellular receiving means for enabling receipt of said data from a cellular network domain, and radio broadcast access means for providing conditional access to a digital radio broadcast data channel to enable receipt of said data via said digital radio broadcast data channel; server means for providing a data service to a mobile device, said server means comprising gateway means for receiving data from an external data source and for mapping a destination address of received data to a mobile subscriber identity, and adding means for adding said mobile subscriber identity to said received data, and for putting said received data with said mobile subscriber identity to a data stream to be  broadcast via a digital radio broadcast channel; and gateway means for providing a connection between a cellular network  and  a  digital radio broadcast domain, said gateway means being configured to encrypt data  received from said cellular network to be forwarded to said mobile device, and to forward said encrypted data to said digital radio broadcast domain based on a conditional access scheme.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

be patented and the prior art are such that the subject matter as a whole would have been
obvious at the time the invention was made to a person having ordinary skill in the art to which
said subject matter pertains. Patentability shall not be negatived by the manner in which the
invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1,

148 USPQ 459 (1966), that are applied for establishing a background for

determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.  Determining the scope and contents of the prior art.
2.  Ascertaining the differences between the prior art and the claims at
    issue.
3.  Resolving the level of ordinary skill in the pertinent art.
4.  Considering objective evidence present in the application indicating
    obviousness or nonobviousness.

This application currently names joint inventors. In considering

patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that

the subject matter of the various claims was commonly owned at the time any

inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

and invention dates of each claim that was not commonly owned at the time a

later invention was made in order for the examiner to consider the applicability of

35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35

U.S.C. 103(a).

38.     Claims 7-9, 11-14, 17-18, 21, 23, 27, 30, 32-34, 37, & 39-40 rejected

under 35 U.S.C. 103(a) as being unpatentable over Fishman et al. (US patent

publication 20020103935 A1), and in view of Mulham (EP 1067741 A1).

39.     Consider claims 7-9, 11-14, 17-18, 21, 23, 27, 30, 32-34, 37, & 39-40and

as applied to claims 1, 3, 6, & 12 above, Fishman et al. discloses wherein

decryption of said received message, however, Fishman et al. does not discloses

that wherein decryption of said received message is based on latest valid

security parameters allocated to said mobile subscriber identity.

Nevertheless, Mulham teaches wherein decryption of said received

message is based on latest valid security parameters allocated to said mobile

subscriber identity (paragraphs [0071]-[0088]).

Therefore, it would have being obvious to a person of ordinary skill at the

time the invention was made to modify the invention of Fishman et al. to

specifically include wherein decryption of said received message is based on

latest valid security parameters allocated to said mobile subscriber identity as

taught by Mulham for the purposes of being more secure.

40.    Claims 42-43, & 47 rejected under 35 U.S.C. 103(a) as being

unpatentable over Fishman et al. (US patent publication 20020103935 A1), and

in view of Risto (EP 0804012 A2).

41.    Consider claims 42-43 & 47, and as applied to claims 41 & 46 above,

Fishman et al. does not discloses wherein said conditional access scheme

defines a predetermined offline time during which said mobile device has not

been in a coverage area of said cellular network, and wherein data forwarding is

started after expiry of said offline time.

However, Risto discloses wherein said conditional access scheme defines

a predetermined offline time during which said mobile device has not been in a

coverage area of said cellular network, and wherein data forwarding is started

after expiry of said offline time (col. 6 lines: 31-54, col. 7 line: 31- col. 8 lines: 3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Fishman to specifically include wherein said conditional access scheme defines a predetermined offline time during which said mobile device has not been in a coverage area of said cellular network, and wherein data forwarding is started after expiry of said offline time as taught by Risto for the purpose of being more effective.

## *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diego Herrera whose telephone number is (571) 272-0907. The examiner can normally be reached on Monday-Thursdays, 6:30 AM-3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G. Lester can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DH

**LESTER G. KINCAID**
**SUPERVISORY PRIMARY EXAMINER**